

LAW OFFICE OF FAYE RIVA COHEN, P.C.
FAYE RIVA COHEN, ESQUIRE
Attorney I.D. No.: 18839
2047 Locust Street
Philadelphia, PA 19103
215-563-7776
frc@fayerivacohen.com
Attorneys for Plaintiff,
Guanjun Liang

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

GUANJUN LIANG, an individual,
Plaintiff,

vs.

LI MENG YAN, an individual, and DOES 1-50,
inclusive,
Defendants.

Case No.:

COMPLAINT FOR DAMAGES:

(1) Intentional Infliction of Emotional Distress;
(2) Negligent Infliction of Emotional Distress;
(3) Violation of 42 U.S.C. Section 1985(3)

Plaintiff, GUANJUN LIANG, brings this action against Defendant, LI MENG YAN and alleges as follows:

PARTIES

1. The Plaintiff GUANJUN LIANG (LIANG) is a prominent member of the Asian American community and is the Director of a non-profit organization entitled "The United Chinese Association of Eastern United States" ("UCAE"), an organization promoting the cultural integration and harmony of the Chinese community in the United States.

2. Plaintiff is informed and believes, and thereon alleges that Defendant, LI MENG YAN (Yan), a former Chinese virologist, currently resides in the Eastern District of Pennsylvania. Through her extensive media engagements and press reports, Yan is responsible for spreading

1 misinformation about the origins of Covid-19. To this very day, Defendant Yan and others,
2 motivated by racial and class based animosity, have engaged in a campaign of civil conspiracy to
3 violate the Plaintiff and other Asian-American's right to equal protection of the law, as, since
4 the outbreak of the pandemic, Defendant Yan's baseless reports claiming that China had created
5 the Coronavirus in a research lab as a bio-weapon, has caused and contributed to the increase in
6 discrimination and hate crimes directed toward the Chinese American Community, including the
7 Plaintiff.
8

9 3. The true names and capacities, whether individual, corporate, associate or otherwise, of
10 Defendants Does 1 through 50, are unknown to Plaintiff, who therefore sues said Defendants by
11 such fictitious names. Plaintiff will amend this Complaint by inserting the true names and
12 capacities of each such Defendant, with appropriate charging allegations, when they are
13 ascertained. Plaintiff is informed and believes and thereon alleges that each of the Defendants
14 designated herein as a "Doe" is responsible in some manner for the injuries suffered by Plaintiff
15 and for damages proximately caused by the conduct of each such Defendant as herein alleged.

16 4. Plaintiff is informed and believes and thereon alleges that at all times material to this
17 Complaint, Defendant and each of the defendants fictitiously named in this Complaint, in
18 addition to acting for himself, herself or itself, and on his, her or its own behalf individually, is
19 and was acting as the agent, servant, employee and representative of, and with the knowledge,
20 consent and permission of, and in conspiracy with each and all of the defendants and within the
21 course, scope and authority of that agency, service, employment, representation and conspiracy.

22 5. Plaintiff further alleges on information and belief that the acts of each of the defendants
23 were fully ratified by each and all of the defendants. Specifically, and without limitation,
24 Plaintiff alleges on information and belief that the actions, failures to act, breaches, conspiracy
25 and misrepresentations alleged herein and attributed to one or more of the specific defendants
26 were approved, ratified and done with the cooperation and knowledge of each and all of the
27 defendants.
28

1 6. The allegations of this Complaint stated on information and belief are likely to have
2 evidentiary support after a reasonable opportunity for further investigation and discovery
3

4
5 **JURISDICTION**

6 7. This Court has jurisdiction pursuant to 28 U.S.C. § 1343 because Plaintiff seeks damages
7 for violation of his civil rights. This Court has supplemental jurisdiction over the related state
8 law claims pursuant to 28 U.S.C. § 1367(a) because those claims form part of the same case or
9 controversy under Article III of the United States Constitution. Plaintiff's state law claims share
10 all common operative facts with his federal law claims, and the parties are identical. Resolving
11 Plaintiff's federal and state claims in a single action serves the interests of judicial economy,
12 convenience, consistency, and fairness to the parties.

13 8. Venue is proper in, and Defendant is subject to the personal jurisdiction of this Court
14 because the Defendant resides in this District and many of the events giving rise to this action
15 occurred in this District. 28 U.S.C. § 1391(b).

16
17 9. The Court has further jurisdiction over this case under 28 U.S.C. Section 1332(a) (1)
18 because the case involves parties of diverse citizenship and the amount in controversy exceeds
19 \$75,000.

20 10. The wrongful acts and omissions giving rise to the Defendant's liability in this action
21 have occurred in this judicial district and others, and have been and are "continuing" in nature as
22 of the date of filing this Complaint. Plaintiff reserves the right to amend this Complaint as new
23 and additional facts and claims arise or become known to Plaintiff.

24 11. As a direct consequence of these unlawful acts, Plaintiff has suffered economic,
25 consequential, and other damages, all to his detriment. Defendant's actions forced Plaintiff to
26 hire attorneys and file suit and he, therefore, has incurred substantial attorneys' fees and costs.

27 **FACTUAL ALLEGATIONS**
28

1 12. Although the Covid-19 Pandemic of 2020 has directly impacted all Americans, the
2 impact of the pandemic on the Asian American Community has been particularly profound.
3 Beyond the pandemic's effect on public health, economic growth, food supply and international
4 relations, the Asian American Community has been blamed for the pandemic and has been the
5 target of hate and violence. Since the onset of the pandemic, anti-Asian hate incidents primarily
6 directed at Asian Americans have increased dramatically, and between March and September,
7 2020, more than 2,500 reports of anti-Asian hate incidents related to Covid19 have been reported.

9 13. Despite Asian American's long history in American and their involvement in health care
10 and small businesses in the community, hate incidents toward Asian Americans has increased
11 during the pandemic. There have been widespread reports of hate incidents (both physical and
12 verbal) against Asian Americans during the pandemic. Hate incidents encompass all overt acts
13 of racial prejudice, including harassment, racial slurs, spitting as well as hate crimes as defined
14 by statute.

15 14. Since the beginning of the Coronavirus Pandemic, the United States has experienced an
16 uptick in anti-Asian violence. According to the Center for the Study of Hate and Extremism at
17 California State University, San Bernardino, last year while the rate of hate crimes decreased
18 overall, hate crimes targeting Asians rose by almost 150%.

19 15. On January 28, 2021 in San Francisco, an 84-year-old Thai man, who was taking a
20 morning walk was shot to the ground and ultimately died from the injuries.

21 16. Several days later, in New York City, a 61-year-old Pilipino man was slashed in the face
22 while riding the subway. Against this backdrop, a 21-year-old white man in the Atlanta area
23 fatally shot eight people, including six women of Asian descent.

24 17. A 51-year-old Asian woman was attacked on an MTA bus by four female suspects who
25 made anti-Asian statements and struck the victim on her head with an umbrella before fleeing.

26 18. In December, a 32-year-old Asian woman was confronted and punched in the face by
27 three men and three women in the subway. Police reported that she was confronted over not
28 wearing a mask and anti-Asian comments were made during the attack. A man who spat on a

1 female Asian passenger and screamed “Asians caused the virus” and “go back to China” in a
2 Bronx subway on July 31st was arrested on August 7, 2020.

3 19. In May, a 30-year-old Asian man was dragged out of his seat on the subway bus by a
4 stranger who called the victim “an infected China boy.”

5 20. A man who spat on a female Asian passenger and screamed, “Asians caused the virus!”
6 and “Go back to China!” in a Bronx subway on July 31 was arrested on August 7, 2020. 28

7 21. In October, a 40-year-old Asian man was choked and punched in the face just as he left
8 his parked car near West 16th Street and Seventh Avenue in Manhattan. The attacker yelled
9 racial slurs at him.

10 22. A Passenger on a subway was yelling about wanting to “kill Chinese” for “creating the
11 coronavirus”. The man said he would push the Asian woman onto the train tracks.

12 23. Another Asian woman was taking a walk, and a person screamed at her to “Go f--ing die,
13 you chink. All you chinks brought us the China virus”.

14 24. Asian Americans have also been the victims of countless other crimes, even though they
15 are not classified as hate crimes due to purportedly insufficient evidence of racial animosity.

16 25. Further, between March 19, 2020 and February 28, 2021, Stop Asian American Pacific
17 Islander Hate found 3,795 self-reported hate incidents targeting Asian Americans.

18 26. Similarly, between February and May 2020, the New York City Commission on Human
19 Rights (“NYCCHR”) received reports of 389 coronavirus-related hate incidents. Of those, 145
20 complaints involved anti-Asian sentiment, representing 37% of all complaints received and
21 show a “tenfold increase in anti-Asian complaints filed compared to the same period in 2019,
22 which had only 12. One-third of Americans report that they have witnessed other individuals
23 blame Asians for the outbreak.

24 27. Historically, diseases and outbreaks have been used to rationalize racism and xenophobia
25 against Asian Americans. Such racism and xenophobia giving rise to anti-Asian hate and
26 violence during the Covid-19 Pandemic has been fueled by racially and politically biased
27 misinformation and scientifically reckless and flawed pronouncements presented to the media
28

1 and public regarding the origins of CoviD-19. The anti-Asian racism and xenophobia during the
2 Covid-19 Pandemic directed toward the Asian American community, including the Plaintiff,
3 directly correlate to incident of racism, and stems from the racially and politically motivated
4 widely spread misinformation about the origins of the virus, blaming the Chinese Government
5 and more broadly Asian Americans for the pandemic.
6

7 28. Racial animosity towards Asian Americans stems from misinformation or incomplete
8 information. During the early stages of the pandemic in the U.S., speculation and
9 misinformation about the origins of the virus and the methods of transmission was widespread,
10 and much of the misinformation blamed Chinese people, and by default, Asian Americans for
11 the pandemic.

12 29. In particular, Defendant Yan, a former Chinese virologist responsible for, and
13 instrumental in spreading the unsubstantiated claim to millions that the coronavirus was a bio-
14 weapon manufactured by China, has served only to amplify disease-based stigma against the
15 Plaintiff and Asian Americans and to further normalize and fuel racism.

16 30. This misinformation about the origins of the virus was intentionally and wrongfully
17 promoted by Defendant Yan, who first proclaimed to Wang Dinggang, (Dinggang) the host of a
18 popular Chinese U-Tube commentary program, that the Coronavirus had been deliberately
19 released by the Chinese Communist Party. Within days, Dinggang was promoting Yan's claims,
20 telling his 100,000 followers that the Coronavirus had been manufactured and deliberately
21 released by the Chinese Communist Party.

22 31. By September 2020, YAN had appeared in the United States on FOX News making the
23 unsubstantiated claim to millions that the Coronavirus was a bio-weapon manufactured by China.
24 In her interview with commentator Lou Dobbs, Yan stated that the virus was created by the
25 Chinese in the Wuhan Lab [/www.youtube.com/watch?v=Hj6ZIZY5-](https://www.youtube.com/watch?v=Hj6ZIZY5-N4&ab_channel=CarlBrabant)
26 [N4&ab_channel=CarlBrabant](https://www.youtube.com/watch?v=Hj6ZIZY5-N4&ab_channel=CarlBrabant)

27 Overnight, YAN became a right-wing media sensation, with conservative pundits anxious to
28 spread her false anti-Chinese message. Nearly as quickly, her interview of the origin of the

1 Coronavirus was labeled on social media as containing “false information”, while scientists
2 soundly rejected her research. Despite the scientific repudiation and rejection of her claims, Yan
3 continued to spread the misinformation.

4 32. Between September 2020 and March 2021, YAN authored a series of four preprint
5 research papers, wherein she proclaimed that SARS-CoV-2 did not emerge naturally in a
6 "spillover from animals," but rather was produced in a laboratory. Her preprints (which did not
7 undergo a scientific peer review process) were posted to the Zenodo platform, an open-access
8 repository where anyone can post their research.

9 33. Yan stated that evidence of genetic engineering was censored in scientific journals,
10 allegedly as part of a conspiracy to suppress information on the topic. However, other scientists
11 disputed the validity of her papers, pointing to poor methods, undisclosed funding from
12 politically-motivated sources, the use of pseudonyms for the papers' co-authors, and the papers
13 having never been submitted to a journal for review. The papers were described by virologists as
14 "non-scientific," "junk science," and written to spread "political propaganda."

15 34. Scientists from John Hopkins, Columbia and other leading American Universities
16 swiftly concluded that Yan's paper in September, 2020 claiming that China had created the
17 Coronavirus in research labs was “deeply flawed.” Other scientific journals reported that Yan's
18 claims were baseless and non-supported by scientific data. Given the far-reaching implications
19 of the "Yan Report," scientists at MIT sought out peer reviews from world-renowned experts
20 in virology, molecular biology, structural biology, computational biology, vaccine development,
21 and medicine. Collectively, scientific reviewers debunked Yan's claims and there was a general
22 consensus that the study's claims were better explained by political motivations rather than
23 scientific integrity.

24 35. Yan's work, however, which was published without any scientific review, exploded on
25 Twitter, U-Tube and far-right websites with the help of such conservative influencers as Steven
26 Bannon and Guo Wengui (Wengui), an expatriate Chinese businessman, both of whom played
27 to rising anti-Chinese sentiments. In fact, Yan's preprint was promoted by the Rule of Law
28

1 Society, an anti- Chinese political organization affiliated with Wengui, in November 2020. The
 2 organization's stated intent was to investigate "Chinese corruption and financially support
 3 victims of the regime."

4 36. Yan also conspired to disseminate her false claims with Dinggang, who earlier
 5 announced on his U-Tube Channel that China was not being transparent about the outbreak in
 6 Wuhan. Dinggang falsely described his source (who was later revealed to be Yan), as the
 7 "world's absolute top Coronavirus expert." Dinggang and Yan have continued to make false
 8 statements on the Luther Times Review Channel, hosted by Dinggang, frequently promoting the
 9 "virus man-made theory" by the Chinese while serving to fuel the anti-Asian sentiment in the
 10 United States.
 11

12 37. Yan's claims that the Coronavirus was manufactured in a Chinese laboratory spread
 13 quickly on social media with the anti-Asian impact felt throughout the United States. Yan's
 14 claims, which have been soundly refuted by the World Health Organization and the Center for
 15 Disease Control and Prevention however, were widely influential in fueling anti- Asian
 16 sentiment throughout the United States, causing the Plaintiff and other similarly situated Asian-
 17 Americans to be subjected to hate incidents and other racially motivated animus.

18 38. Yan has continued to spread misinformation about the pandemic, while claiming that
 19 the Coronavirus was a bio-weapon manufactured by China. Yan's trajectory was the result of a
 20 purposeful conspiracy carefully crafted by Wengui, Bannon and Dinggang. They coached YAN
 21 on media appearances and helped her secure interviews with popular conservative television
 22 hosts with shows on the FOX Network. They nurtured her baseless contention, fueled by
 23 politically based anti-Chinese motives, that the virus was genetically engineered by the Chinese
 24 Government.
 25

26 39. On September 15th, a day after the Yan report was published, which virologists quickly
 27 dismissed as pseudo-science, YAN was asked by Tucker Carlson on FOX News if she believed
 28 Chinese officials had released the virus intentionally or by accident. Tucker Carlson Interviews Li-

Meng Yan - Claims Evidence Coronavirus was Made in a Lab. - YouTube YAN did not hesitate and stated, "of

1 course intentionally.” “I can present solid scientific evidence to our audience that this virus,
2 COVID-19 SARS-CoV-2 virus, actually is not from nature," she said. "It is a man-made virus
3 created in the lab." Over the next six-and-a-half minutes, Yan explained that the Chinese
4 government created the coronavirus in a Wuhan lab and released it intentionally. The virus'
5 genome, she said, indicates that it was modified.
6

7 40. Even though Face Book and Instagram flagged the interview as false information, the
8 Carlson interview went viral and had over 8 million views online.

9 41. Yan has continued to date to spread the inflammatory claim that the coronavirus was
10 created in a lab to the Chinese a bioweapon. Among others, Yan met with Congressman Mo
11 Brooks in July 2021, and informed the congressman that Covid 19 was developed by the Chinese
12 as part of a bioweapon program. See link [https://brooks.house.gov/media-center/news-](https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-reports-interview-dr-li-meng-yang-regarding-covid-19)
13 [releases/congressman-mo-brooks-reports-interview-dr-li-meng-yang-regarding-covid-19](https://brooks.house.gov/media-center/news-releases/congressman-mo-brooks-reports-interview-dr-li-meng-yang-regarding-covid-19).

14 42. On Feb 12,2022, Yan was interviewed in the media again, proclaiming that Covid 19 is a
15 bioweapon manipulated to the Chinese.

16 43. Attacks against Asians during the COVID-19 pandemic are a part of a long history of
17 discrimination against Asian communities in the United States. Asian Americans are often
18 stereotyped as perpetual foreigners, anti-American, and carriers of infectious disease. These
19 stereotypes in turn, along with the misinformation of the origins of the Coronavirus promoted by
20 Yan, have fueled racist beliefs that Asians are responsible for introducing COVID-19 to the
21 United States.

22 44. Yan's baseless anti- Chinese claim's, promoted in conjunction with Wengui and
23 Dinggang, further perpetuated the notion that China, and by extension Chinese people, were
24 responsible for the spread of COVID-19 The presentation of this politically motivated rhetoric
25 by Yan and others has contributed to the stigmatization of Asian people, creating the above-
26 described racial animosity and animus toward the Plaintiff and Asian-Americans during the
27 pandemic.
28

FIRST CAUSE OF ACTION

Intentional Infliction of Emotional Distress

As to Defendant Yan and DOES 1 through 50

45. Plaintiff realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 38 of the Complaint as if fully set forth herein.

46. Defendant YAN'S unsubstantiated claims and false information disseminated to millions that the Coronavirus was a bio-weapon manufactured by China exposed the Plaintiff, and all members of Plaintiff's community, i.e., Chinese Asian Americans, to discrimination, hate, contempt, ridicule, verbal abuse and physical violence as reported in the many incidents across the country.

47. Defendant committed the intentional infliction of emotional distress by intentionally and wrongfully disseminating false and misleading statements, without support by the scientific community or factual evidence, against accepted scientific guidelines of the World Health Organization and the Center for Disease Control, solely to further Yan and her co-conspirator's anti-Chinese political agenda.

48. Defendant's continued pronouncements and public claims that the Chinese Government intentionally created the Coronavirus, without any scientific basis or evidence, with the intent to target the Chinese Government, and as a consequence, the Plaintiff and all Chinese American's, was extreme and outrageous and beyond the bounds of decency and utterly intolerable in a civilized democratic Society.

49. Defendant's extreme and outrageous conduct was carried out throughout the pandemic with reckless disregard of whether such conduct would cause the Plaintiff and Chinese Americans to suffer emotional distress.

50. Defendant's extreme and outrageous conduct has caused the Plaintiff severe emotional distress and great fear of harassment and bodily harm, as a result of Yan's false and

1 inflammatory anti-Asian statements, resulting in the rising trend of racial violence against Asian
 2 Americans throughout the country.

3 51. Yan's false and misleading claims in the media since the outbreak of the Pandemic
 4 has planted the seeds to create an environment that is hostile to Plaintiff and Asian Americans.
 5 As described in the above paragraphs, the Plaintiff and all victims of anti-Asian American
 6 hatred and prejudice have suffered from feelings of anger, intimidation, and fear.

7 52. As a consequence of the Defendant's misleading and baseless statements, the Plaintiff
 8 and the Asian American Community has suffered severe and long-lasting damage. For the
 9 foregoing reasons, the Defendant is liable for intentional infliction of emotional distress and for
 10 all damages arising therefrom.
 11

12 **SECOND CAUSE OF ACTION**

13 **Negligent Infliction of Emotional Distress**

14 **As to Defendant Yan and DOES 1 through 50**

15 53. Plaintiff realleges and incorporates herein by reference each and every allegation
 16 contained in paragraphs 1 through 46 of the Complaint as if fully set forth herein.

17 54. Defendant Yan committed the negligent infliction of emotional distress by continuing to
 18 disseminate and promote baseless statements, misinformation and other content negligently
 19 endangering the Plaintiff and the Asian American Community and contributing to racially biased
 20 rhetoric and an increase in anti-Asian sentiment and prejudice.

21 55. Defendant Yan owed a duty of care to the Plaintiff and to Chinese Americans to refrain
 22 from causing further racial discrimination and hate directed toward Asian- Americans.

23 56. Defendant's conduct described hereinabove breached the duty of care, unreasonably
 24 causing Plaintiff and members of the Asian American community to fear for their safety.

25 57. Defendant's conduct was extreme and outrageous and proximately caused the emotional
 26 distress suffered by the Plaintiff and members of the Asian American Community.
 27
 28

THIRD CAUSE OF ACTION

Violation of 42 U.S.C. Section 1985(3)

As to Defendant Yan and DOES 1 through 50

58. Plaintiff realleges and incorporates herein by reference each and every allegation contained in paragraphs 1 through 51 of the Complaint as if fully set forth herein.

59. 42 U.S.C. Section 1985(3) provides a civil cause of action against individuals who conspire to deprive “any person or class of persons of the equal protection of the laws, or of equal privileges and immunities under the law.”

60. At all times herein, beginning in or around January, 2020, Defendant Yan and other non-parties, including Dinggang, Wengui and others, did knowingly and willfully conspire and agree among themselves to engage in racially based discriminatory conduct for the purpose of depriving Plaintiff and Asian Americans of equal protection of the laws and of equal privileges and immunities under the laws.

61. In furtherance of the conspiracy, Defendant Yan’s baseless and discriminatory claims were widely promoted by Dinggang, who falsely described Yan as “the world’s absolute top Coronavirus expert” and sought to spread Yan’s misleading claims that China had created the Coronavirus in a research lab. Yan, with the direct support of associates Dinggang, Wengui and others, continued to promote her claims blaming the Chinese Government for developing the Coronavirus as a bio-weapon. These claims, and Yan’s research papers were further supported and promoted by the Rule of Law Society, a political organization affiliated with Wengui and others.

62. In furtherance of the conspiracy to deprive Plaintiff and other Asian Americans from equal protection of the laws and of equal privileges under the laws, Defendant Yan, Dinggang, and Wengui, motivated by, and playing to rising anti-Chinese sentiment in the United States, engaged in conduct to support and promote Yan’s flawed and misleading claims that China created the Coronavirus.

63. Defendant YAN and other non-parties, including Dinggang and Wengui, conspired and agreed among themselves to engage in conduct motivated by racial and class based discriminatory animus against the Plaintiff and Asian Americans, thereby causing injury to, and depriving Plaintiff and Asian Americans of equal protection of the laws of the United States.

64. Defendant's conduct as alleged above was willful, malicious, wonton and oppressive and done with a conscious and callous indifference to the consequences and with specific intent to harm. Accordingly, Plaintiff is entitled to an award of punitive damages from Defendant in an amount to be proven at trial and sufficient to punish, penalize and deter Defendant from engaging in such conduct in the future.

PRAYER FOR RELIEF

Plaintiff, GUANJUN LIANG, prays for judgment against Defendant Yan as follows:

1. For compensatory damages;
2. For general damages, including mental pain and anguish and severe emotional distress, according to proof;
3. Punitive damages according to proof;
4. For attorney's fees and costs;
5. For pre-judgment and post-judgement interest;
6. For any other relief that is just and proper.

DATED: May 6, 2022

LAW OFFICE OF FAYE RIVA COHEN, P.C.



Faye Riva Cohen, Esquire

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial in this action.

DATED: May 6, 2022

LAW OFFICE OF FAYE RIVA COHEN, P.C.



Faye Riva Cohen, Esquire